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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,343	04/12/2001	Michael Barnes	005651/ETCH/CHMBR/IB1	2414

7590 10/07/2003

APPLIED MATERIALS, INC.
2881 SCOTT BLVD. M/S 2061
SANTA CLARA, CA 95050

EXAMINER

CROWELL, ANNA M

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/834,343	Applicant(s) BARNES ET AL.	
	Examiner Michelle Crowell	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


LUZ ALEJANDRO-MULERO
PRIMARY EXAMINER

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Continuation of 5. does NOT place the application in condition for allowance because: applicant has argued that Frankel's structure as used for thermal CVD processes cannot be the same as for plasma CVD process and that some of the components of the Frankel apparatus would have to be modified to accommodate RF energy which Frankel does not describe. However, claim 1 simply requires an upper and lower plates 301, 20 for the transfer of RF energy, and a plurality of pins 303, 305 connecting the upper and lower plates to facilitate thermal conductivity during RF energy transfer and Frankel satisfies this requirement by providing RF energy to the lid assembly 230 which includes upper and lower plates 301, 20 via an RF gas box (col. 28, lines 41-44, col. 26, lines 30-35). Applicant has argued that Frankel's apparatus would employ the RF power gas box 26 described in Wang instead of the lid assembly 23 described in Frankel, as the powered RF electrode for a plasma process and therefore Frankel's apparatus for a plasma process does not use plates 265, 301 or 20. Frankel specifically discloses that the lid assembly 230 including the upper and lower plates 301, 20 can be used with RF energy and the RF gas box is used in addition to the lid assembly 230 not instead of the lid assembly (col. 28, lines 41-44). Wang simply describes in detail a specific RF gas box which may be used as Frankel's RF gas box.



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